

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 14, 16, 17, 23, 24, and 25² under 35 U.S.C § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2004/0147266 A1 to Hwang et al. ("*Hwang*") and U.S. Application Publication No. 2004/0073928 A1 to Alakoski et al. ("*Alakoski*"); rejected claims 3-6, 9-12, 15, 21, and 22 under 35 U.S.C § 103(a) as being unpatentable in view of *Hwang*, *Alakoski*, and U.S. Patent Application Publication No. 2004/0266440 A1 to Fuchs et al. ("*Fuchs*"); and objected to claims 8, 13, and 20 as depending from a rejected claim but allowable if rewritten in independent form.

Claims 1, 3-6, 8-17, and 20-25 remain pending in this application.

Initially, Applicant wishes to thank the Examiner for granting the telephone interview on April 29, 2010 with Applicant's representatives. During the interview, the prior art of record was discussed, along with a general overview of Applicant's invention. Examiner Ngo indicated his intent to reconsider the 35 U.S.C. § 103(a) rejections of the claims in light of the remarks presented during the interview. The remarks presented to and considered by the Examiner are summarized below.

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

² On page 3 of the Office Action the Examiner rejects claims 1, 14, 17, 23, and 24 under 35 U.S.C § 103(a) as being unpatentable in view of *Hwang* and *Alakoski*. To advance prosecution and in view of page 5 of the Office Action, Applicant assumes that claims 1, 14, 16, 17, and 23-25 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of *Hwang* and *Alakoski*, and requests clarification if the assumption is incorrect.

Applicant respectfully traverses the rejection of claims 1, 14, 16, 17, and 23-25 under 35 U.S.C § 103(a). *Hwang* and *Alakoski* fail to teach or suggest the subject matter of the claims.

Independent claim 1 recites a method for activating a Multimedia Broadcast/Multicast Service (MBMS) including, among other steps, “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE” and “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities.”

As discussed in the interview, combinations of *Hwang* and *Alakoski* do not teach or suggest at least these features of claim 1.

On page 4 of the Office Action, the Examiner alleges that paragraph [0065] of *Hwang* discloses the claimed “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE,” as recited in claim 1. This, however, is not correct.

Paragraph [0065] of *Hwang* discloses “[b]ased on the authentication result between the TRNC 430 and the SGSN 440, the **TRNC 430 determines** whether it can continuously provide the requested MBMS service to the UE 410 (check the possibility of MBMS requested by UE) (Step 517). The operation performed by the TRNC 430 based on the authentication result can be roughly divided into the following 4 operations.” (Emphasis added).

Thus, in *Hwang* TRNC 430 determines whether it can continuously provide the requested MBMS service to UE 410. The determining of *Hwang*, however, does not constitute the claimed “verifying” at least because the determining in *Hwang* is not performed “by the SGSN.” In contrast, the determining in *Hwang* is performed by TRNC 430, rather than by the SGSN 440 of *Hwang*.

As disclosed above in paragraph [0065] of *Hwang* and further disclosed in paragraphs [0039], [0048], [0049], [0050], and [0064] of *Hwang*, TRNC 430 of *Hwang* determines whether it can **continuously provide** the requested MBMS. Thus, as discussed during the interview, *Hwang* does not teach or suggest “verifying, by the SGSN **before sending a Create MBMS Context Request**, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE,” (emphasis added) as recited in claim 1. In *Hwang*, TRNC 430 determines whether it can continue providing an MBMS that is currently being received by UE 410. Such a disclosure, however, does not constitute the claimed “verifying” at

least because the determining in *Hwang* is not performed “**before** sending a Create MBMS Context Request,” (emphasis added) as recited in claim 1.

Hwang also does not teach or suggest “verifying . . . whether the **MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities** if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE,” (emphasis added) as further recited in claim 1. There is no disclosure in *Hwang* for determining based on **MBMS bearer capabilities of the UE** or **Required MBMS Bearer Capabilities**. In contrast, *Hwang* discloses determining the capability of TRNC 430. (Paragraph [0065]). There is simply no disclosure in *Hwang* of a comparison between two MBMS bearer capabilities.

Thus, because *Hwang* does not teach or suggest “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE,” *Hwang* also cannot teach or suggest “**rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities,**” (emphasis added) as recited in claim 1.

On page 4 of the Office Action, the Examiner alleges that paragraph [0066] of *Hwang* discloses “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities,” (emphasis added) as recited in claim 1. This, however, is not correct.

Paragraph [0066] of Hwang discloses “when authentication for the UE 410 has failed, the TRNC 430 transmits to the UE 410 an RRC connection reject message including information indicating that the UE 410 is unqualified to receive the MBMS service, notifying that continuous supply of the MBMS service is unavailable.” Thus, paragraph [0066] of *Hwang* discloses that TRNC 430 notifies of an impossibility of a continuous supply of the MBMS currently being received by UE 410. Such a disclosure, however, does not constitute the claimed “rejecting” at least because the RRC connection reject message is transmitted by the TRNC 430, rather than “by the SGSN.”

Paragraph [0065] of *Hwang* further discloses that “TRNC 430 determines whether it can continuously provide the requested MBMS service to the UE 410 The operation performed by the TRNC 430 . . . can be roughly divided into the following 4 operations.” None of the 4 operations disclosed in paragraphs [0066] to [0071] of *Hwang*, however, teach or suggest “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities” or in the alternative “creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,” as recited in claim 1.

On page 4 of the Office Action, the Examiner concedes that *Hwang* does not disclose MBMS bearer capabilities, but relies on paragraphs [0027] to [0032] of *Alakoski* to overcome this deficiency of *Hwang*. This, however, is not correct.

Paragraphs [0027] to [0032] of *Alakoski* disclose that Broadcast/Multicast-Service Center (BM-SC) of *Alakoski* stores the Quality of Service (QoS) information and authorizes a MBMS bearer based on the stored QoS information. (Paragraph [0028]).

Further, in *Alakoski*, Policy Control Function (PCF) provides QoS authorization and access control for an MBMS session based on the QoS information provided by the BM-SC. (Paragraph [0029]).

Alakoski does not overcome the deficiencies of *Hwang* at least because *Alakoski* discloses providing authorization by using a PCF, but does not teach or suggest performing the authorization “by the SGSN,” as recited in claim 1. Thus, even if the teachings of *Hwang* are combined with the teachings of *Alakoski*, such a combination would still not teach, suggest, or render obvious “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE” and “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,” as recited in claim 1.

Therefore, *Hwang* and *Alakoski*, taken alone or in combination, fail to disclose or suggest the subject matter of claim 1.

Independent claim 23, while of different scope than claim 1, distinguishes over *Hwang* and *Alakoski* for at least similar reasons as claim 1.

Claims 14, 16, 17, 24, and 25 depend from one of claims 1 or 23. Accordingly, *Hwang* and *Alakoski* fail to disclose the subject matter of claims 14, 16, 17, 24, and 25.

Applicant respectfully traverses the rejection of claims 3-6, 9-12, 15, 21, and 22 under 35 U.S.C § 103(a) as being unpatentable over *Hwang*, *Alakoski*, and *Fuchs*.

Fuchs fails to cure any of the deficiencies of *Hwang* and *Alakoski*. Specifically, *Fuchs* fails to teach or suggest a method for activating a Multimedia Broadcast/Multicast Service (MBMS) including, among other steps, “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE” and “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,” as recited in claim 1, from which claims 3-6, 9-12, 15, 21, and 22 depend. Accordingly, *Hwang*, *Alakoski*, and *Fuchs* fail to disclose the subject matter of claims 3-6, 9-12, 15, 21, and 22.

Applicant thanks the Examiner for the indication that claims 8, 13, and 20 would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. Claims 8, 13, and 20 depend from claim 1. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 8, 13, and 20 at least because they depend from claim 1.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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